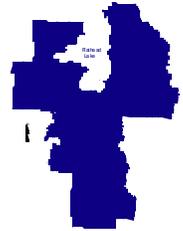


COUNTY OF LAKE, MONTANA
KINGS POINT ZONING REGULATIONS
RESOLUTION NO. 649
(AN AMENDMENT OF RESOLUTION NO. 301)



A RESOLUTION TO ESTABLISH AMENDED COMPREHENSIVE ZONING REGULATIONS FOR THE ENTIRETY OF BLOCKS 11 AND 16 OF THE SAFETY BAY VILLA SITES, LAKE COUNTY, MONTANA, WHICH IS DESCRIBED BY THE OFFICIAL ZONING MAP ON FILE IN THE OFFICE OF CLERK AND RECORDER, LAKE COUNTY, MONTANA.

WHEREAS, The Board of County commissioners have deemed it in the public interest to create a Planning and Zoning district and have therefore created said district and have appointed said Commission;

WHEREAS, The Planning and Zoning Commission deems it necessary, for the purpose of promoting the health, safety, and general welfare of the public, including the people residing within said district, to amend Resolution 301 and to adopt, administer, and enforce the regulations contained herein;

WHEREAS, The Planning and Zoning Commission has given reasonable consideration, among other things, to the character of the area in regard to existing land use, transportation patterns, suitability of the soils and geology for development, probable impact of further development on the water quality of Flathead Lake, and the voiced concerns of the citizen petitioners;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Montana, that:

I. There is hereby adopted this amended zoning ordinance for the King's Point Planning and Zoning District, and said ordinance is effective immediately as authorized under Section 76-2-101 through 76-2-112 Montana Codes Annotated.

II. Definitions

- A. Accessory Building
A subordinate building, or a portion of a main building, the use of which is ordinarily incidental to that of the main building on the same lot.
- B. Building
A structure having a roof supported by columns or walls.
- C. Single Family Residence
One or more rooms designed as a unit, with kitchen facilities therein, for occupancy by one (1) family for living and sleeping purposes.
- D. Guest Quarters
One or more rooms designed as a unit for sleeping purposes without kitchen facilities.
- E. Home Occupation
An occupation carried on entirely within a residence by the occupants, which is clearly incidental to the use of said residence as a dwelling unit and does not change the residential character, is conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not

infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

- F. Lot
A parcel of land occupied or designed to be occupied by a main building and the accessory building(s), together with open space.
- G. Mobile Home
A manufactured detached residential dwelling unit designed for permanent human occupancy, being equipped for use with wheels for purposes of relocation by road transportation. Any trailer which equals or exceeds ten feet (10') in width or thirty-two feet (32') in length shall be considered as a mobile home, except that when any mobile home is licensed as a travel trailer it shall be considered as a travel trailer.
- H. Nonconforming Use
A "nonconforming use" shall be any use of land (including any nonconforming building and any use within a building) which does not conform to the regulations herein established for the zone in which such use is located and which lawfully existed or was under construction at the time of passage of the regulation.
- I. Street
A public thoroughfare for vehicular traffic.
- J. Travel Trailer
A living unit designed for temporary human occupancy, being equipped for use with wheels or mounted on a motorized chassis for purposes of relocation by road transportation. Any trailer which is less than ten feet (10') in width or thirty-two feet (32') length shall be considered as a mobile home, except that when any travel is licensed as a mobile home it shall be considered as a mobile home.
- K. Variance
Permission to depart from the literal requirements of this Ordinance.

III. Area Affected

The lands subject to and affected by this Ordinance (this district shall be all of Blocks 11 and 16 of the Safety Bay Villa Site, Lake County, Montana.

IV. Purpose

The purpose of this Ordinance is to promote and protect the public health, safety, and general welfare; to lessen congestion in the streets; to secure safety from fire and other dangers; to prevent overcrowding of the land; and to avoid undue concentration of population.

V. Regulations

A. Permitted Uses

1. The principal use of lands and buildings within the district shall be for single-family residential use only. Accessory buildings shall be permitted provided that all required setbacks are met, and accessory buildings are not utilized for a purpose that would not comply with this Ordinance.
2. Mobile homes and trailers may be used as a permanent dwelling unit provided that the mobile home or trailer unit has the wheels removed and is attached to a permanent

foundation, and is entirely skirted with suitable materials.

3. Temporary establishment of a travel trailer on a lot during the period of May through September for trailer shall not remain on the lot for more than a five (5) month period (occupancy time period); a travel trailer which is used as a dwelling unit on a lot shall be entirely removed from the lot for a period of at least thirty (30) days in order to activate a new occupancy time period. The number of travel trailers to occupy a single lot at one time shall not exceed two (2).
 4. Home occupations
 5. Use, development, or recovery of any mineral, forest, or agricultural resource by the owner thereof.
- B. Prohibited uses.
1. Commercial uses
 2. Industrial uses
 3. Mobile home parks and recreational vehicle parks
 4. Multi-family buildings, condominium development, and other similar uses
 5. Slash fires
- C. Development Standards
1. Due to soil and bedrock conditions within the district, severe problems of sewage disposal in a safe and sanitary fashion exist; due to road right-of-way widths, the existing condition of the roadway, and severe problems in upgrading the present roadway to a more safe condition, there are problems with traffic flow and future traffic conditions; in order to promote the public health, safety and welfare, to lesson congestion in the streets, to secure safety from fire, and to prevent overcrowding of the land, no lot may be further divided in any manner which would result in the creation of any additional lots less than one (1) acre in size (including any remainder parcel which might be created by the division of land).
 2. All buildings shall be located at least thirty (30) feet from the high water mark of Flathead Lake (contour elevation of 2893.2 feet above sea level, U.S.G.S. datum), ten (10) feet from streets or street right-of-way, and/or ten (10) feet from the property lines, except that boathouses and other structures of a riparian nature shall be permitted if a valid Shoreline Construction Permit is first obtained.
 3. No building shall exceed twenty-five (25) feet in height as measured from the average ground elevation.
- D. Non-Conforming Uses
- Nothing in this Ordinance shall be construed to prevent or prohibit the use of any legally existing building, structure, or premises in use at the time of adoption of this Ordinance, Provided that:
1. The use of such buildings, structures, or premises shall not be changed to a different, non-conforming use or status;

2. Buildings under actual construction at the time of adoption of this Ordinance may be completed according to the plans thereof and used according to the use intended on such date unless said construction was begun in such a manner so as to avoid the effects of this Ordinance;
3. Any nonconforming use or nonconforming building which is discontinued or destroyed, and is not legally re-established or reconstructed within three (3) years of the date of discontinuance or destruction shall expire and shall not be allowed as a nonconforming use or a nonconforming building.
4. Any building or structure may be maintained or repaired as necessary, subject to the other provisions of this Ordinance.
5. The alteration, reconstruction may be maintained or repaired as necessary, subject to the other provisions of this Ordinance.

VI. Review Procedure

Any person intending to construct a building, or to modify an existing building, or to establish a new land use shall first obtain a conformance permit from the Planning and Zoning Commission.

A. Application

Two (2) copies of an application for a conformance permit shall be submitted to the office of the Board of County Commissioners. The application shall contain the following information:

1. Vicinity sketch showing the approximate location and boundaries of the property in question in relation to the said district.
2. Sketch plan of the property, drawn approximately to scale, showing lot dimensions, location of high water mark of Flathead Lake (if applicable), location of roadway right-of-ways, the location and aerial dimensions of existing and proposed buildings, the location of water and sewer facilities, and pertinent building setback distances from property lines, roadways, and the shoreline (if applicable).
3. Copy of valid sewage disposal permit and copy of the approved design and layout.
4. Written request for any variances stating the reasons for such requests.
5. The name, address, and phone number of the applicant and description of the use of each building.

B. Review by Commission

1. The Planning and Zoning Commission shall first review the application in order to determine whether or not the application is adequate for review; the Commission shall have not more than ten (10) working days to make this determination. If the application is not adequate for review, the Commission shall return the application and note additional information necessary for review.
2. Once the review period is begun, the Commission shall have five (5) working days to decide whether or not the proposed action is in conformance with this Ordinance. If the commission finds the proposed action to be in compliance with this Ordinance, the

Commission shall issue a Conformance Permit to the applicant together with one (1) copy of the approved application and any conditions of approval. The Commission shall retain one (1) copy of the application and any conditions of approval.

If the Commission finds the application to not comply with the requirements of this Ordinance, the Commission shall deny issuance of the permit and shall notify the applicant of the reasons for denial.

3. If an application is denied a permit, the applicant may submit a modified proposal for review under the procedures outlined above.

C. Variance Procedure

The Planning and Zoning Commission shall have the authority to grant reasonable variances from the regulations of this Ordinance where the Commission determines that due to unusual circumstances a strict enforcement of such regulations would result in undue hardship, that no reasonable alternatives exist which do meet the standards contained herein, and that granting of a variance will not result in establishment of a use otherwise prohibited by this Ordinance, or result in potential adverse effects on the public health, safety or welfare.

1. If a variance is requested on an application, then the Planning and Zoning Commission shall hold a public hearing. Prior to holding a public hearing, the Commission shall post notice of the hearing at least fifteen (15) days before the hearing date in at least three (3) public places within the area affected.
2. At the hearing the commission shall review the request for a variance and shall receive testimony from the public in attendance either in favor or in opposition to the requested variance.
3. Following the public hearing and within ten (10) days of the hearing date, the commission shall act on the request for a variance, and shall either grant or deny the variance.

VII. Amendment of Ordinance

This ordinance may be amended in whole or in part by the affirmative vote of the majority of the whole Commission after a public hearing is held. Prior to holding a public hearing, the Commission shall post notice of the hearing at least fifteen (15) days before the hearing in at least three (3) public places within the area affected.

VIII. Appeals

Any person aggrieved by any decision of the Commission or the Board of County Commissioners, may within thirty (30) days after such decision or order, appeal to the District Court in Lake County.

IX. Violations

In case any building or structure is erected, constructed, reconstructed, altered, repaired, or converted, or any building or structure or land is used in violation of this Ordinance, the County Attorney shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, or use to restrain, correct, or abate such violation, to prevent occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

X. Separability Clause

If any section, subsection, clause, word, or phase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect this validity or constitutionality of the remaining portions of this Ordinance.

THE REGULATIONS AS PUT FORTH IN THIS ORDINANCE AMEND AND REPLACE THE REGULATIONS OF RESOLUTION 301 DATED OCTOBER 20, 1987

DATED AND ADOPTED THE 28TH DAY OF SETEMBER, 1987.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, MONTANA

ATTEST:

LORIN JACOBSON
CLERK & RECORDER

DON PETERSON, CHAIRMAN
MIKE HUTCHIN, MEMBER
RAY HARBIN, MEMBER